

# **EXHIBIT 38**

After Mr. Gomez was fired from Valley Hospitality, he met the necessary job search requirement and satisfied the Georgia Department of Labor , and their guidelines.

Mr. Gomez object to the relevance of every job/interview, if the Georgia Department of Labor was satisfied at the time of Mr. Gomez's unemployment period then theirs no reason to continue with who, what, or where.



# **EXHIBIT 39**

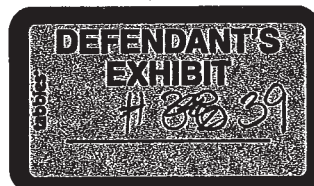
UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

ALPHONSO GOMEZ,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.
	)	4:11-cv-00183-CDL
VALLEY HOSPITALITY SERVICES, LLC,	)	
	)	
Defendant.	)	
_____	)	

DEFENDANT VALLEY HOSPITALITY SERVICES, LLC'S  
FIRST CONTINUING INTERROGATORIES TO PLAINTIFF

Defendant Valley Hospitality Services, LLC ("Valley Hospitality"), named as Defendant in the above-styled action, and pursuant to Fed. R. Civ. P. 33, requests that Plaintiff answer the following interrogatories and serve the answers upon counsel for Valley Hospitality within 30 days after the service of the interrogatories. Each discovery request must be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party must state the reasons for objection and answer to the extent the discovery request is not objectionable. The answers must be signed by the person making them.

These interrogatories are continuing to the extent Fed. R. Civ. P. 26(e) requires. Your responses to both these interrogatories and the required disclosures under Fed. R. Civ. P. 26(a) must be supplemented in accordance with those rules.



Fed. R. Civ. P. 33(a) requires you to "furnish such information as is available to the party." If you produce business records under Fed. R. Civ. P. 33(d) in lieu of answering any discovery request, you must specify the business records from which the answer to the discovery request can be derived or ascertained and afford Valley Hospitality reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

#### DEFINITIONS

(1) "Person" means any natural person, corporation, partnership, proprietorship, association, organization, or group of persons.

(2) "You" means the plaintiff Alphonso Gomez, and any of your agents, or representatives.

(3) "Valley Hospitality" means the named Defendant Valley Hospitality Services, LLC, any of its employees, agents, representatives, or any affiliated business entity.

(4) As used in these Interrogatories, the term "document" shall include any written or graphic matter or other means of preserving thought of expression and all tangible things from which information can be processed or transcribed, including the originals and all non-identical copies and drafts, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, any

printed, written, recorded, taped, electronic, graphic or other tangible matter from whatever source, however produced or reproduced, whether in draft or otherwise, whether sent or received or neither, including the original, all amendments and addenda and any non-identical copy (whether different from the original because of notes made on or attached to such copy or otherwise) of any and all writings, correspondence, letters, telegrams, telex communications, cables, notes, notations, papers, newsletters, memoranda, inter-office communications, electronic mail, releases, agreements, contracts, books, pamphlets, studies, minutes of meetings, recordings or other memorials of any type of personal or telephone conversations, meetings or conferences, reports, analyses, evaluations, estimates, projections, forecasts, receipts, statements, accounts, books of account, diaries, calendars, desk pads, appointment books, stenographer's notebooks, transcripts, ledgers, registers, worksheets, journals, statistical records, cost sheets, summaries, lists, tabulations, digests, canceled or uncanceled checks or drafts, vouchers, charge slips, invoices, purchase orders, accountant's reports, financial statements, newspapers, periodical or magazine materials, and any material underlying, supporting or used in the preparation of any documents. The term "document" also means any and all computer records, data and information of whatever kind, whether printed

out or stored on or retrievable from any floppy diskette, compact diskette, magnetic tape, optical or magnetic-optical disk, hard drive, or rapid access memory, including without limitation, all back-up copies, undeleted data, and dormant or remnant files.

(5) "Communications" means any and all written or oral communications between two or more persons, including but not limited to telephone communications, personal conferences, meetings, emails, letters, text messages, or otherwise.

(6) "Knowledge" means information derived from any source, including hearsay knowledge.

(8) "Relates to" or "relating to" means constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent.

(9) "Occurrence" means the incident(s), accident(s) or event(s) that gives rise to this lawsuit.

(7) "Identify" means:

(a) with respect to "persons" who are individuals, to provide the name, present or last known residence address, present or last known residence telephone number, present or last known employer or business affiliation, present or last-known business address, and present or last known business telephone number of each individual mentioned;

(b) with respect to institutions, businesses, groups and other organizations, to provide the current or last-known complete name, address and telephone number; and

(c) with respect to "documents," to provide -- irrespective of whether the document is subject to any claim of privilege -- the title or other means of identification of each such document, the date of each document, the name and address of the author, the name and address of each recipient of each document, and the name and address of each person who has custody, control or possession of each such document or copies of it.

(d) with respect to "communications," to provide the date of each communication, the participants in the communication, and a summary of the communication.

(e) with respect to "incident," to provide the date of each incident, the participants in the incident, and a summary of the incident.

#### INTERROGATORIES

1.

State your full name, age, date of birth, marital status, Social Security number, and present residence and/or mailing address.



2.

Identify any person who witnessed or has any relevant knowledge of any of the conduct which you allege occurred in your Complaint, and for each such person, provide a brief description of the facts known to each such person and the dates on which such conduct occurred.

3.

Identify and describe any facts and circumstances that you contend support your allegation that Valley Hospitality discriminated against you because of your race.

4.

Identify and describe any facts and circumstances that you contend support your allegation that Valley Hospitality did not promote you because of your race.

5.

Identify and describe any facts and circumstances that you contend support your allegation that the termination of your employment with Valley Hospitality was based on your race.

6.

Identify and describe any and all written or verbal communications between you and any other person or entity, other than your attorney, regarding changes to your position at Valley Hospitality including:

(a) the date(s) such communications were made;

- (b) who made such communications; and
- (c) the substance of such communications.

7.

Identify with reasonable specificity any and all facts that you contend support your claim for retaliation.

8.

Identify any and all facts that you contend support your claim that you participated in activity protected by federal law, including the date(s) on which you allege you participated in protected activity and a description of the alleged protected activity.

9.

Identify and describe any and all written or verbal communications between you and any other person or entity, other than your attorney, regarding the subject matter of the Complaint, including:

- (a) the date(s) such communications were made;
- (b) who made such communications; and
- (c) the substance of such communications.

10.

State the name, address, and telephone number of each employer you have worked for since you stopped working for Valley Hospitality. For each place of employ please provide the date on which you submitted an application for employment, the

inclusive dates of your employment, a description of your duties and responsibilities, the compensation you received, the name of your supervisor, and, if you are no longer employed there, the reason for your departure.

11.

For all the monetary damages you claim to have suffered as a result of the incidents giving rise to this lawsuit, including any loss of pay, any alleged undertaking of additional debt, or loss of property, describe in detail the nature and amount of the damages, when the damages were suffered, how the damages were calculated, and the facts supporting your claim that the damages resulted from some action or inaction on the part of Valley Hospitality.

12.

Identify and describe any efforts you have made to find employment since your termination from Valley Hospitality, including but not limited to:

(a) The identity of any employer with whom you have applied for work;

(b) The date(s) on which you submitted an application for work;

(c) Whether you have gone on any interviews for work; and

(d) Whether you have obtained any employment since your termination from Valley Hospitality.

13.

For any and all physical, mental or emotional injury you claim to have suffered as a result of the incidents giving rise to this lawsuit, describe in detail the nature and amount of the damages relating to such physical, mental or emotional injury and the facts supporting your claim that the alleged physical, mental or emotional injury resulted from some action or inaction on the part of Valley Hospitality.

14.

Identify any doctors, physicians, psychiatric professionals or counselors whom you have visited for the mental and emotional distress you allegedly suffered as a result of Valley Hospitality's conduct.

15.

If you allege that you are entitled to receive punitive damages against Valley Hospitality, identify and describe any facts or circumstances that you contend support such a claim for punitive damages.

16.

Identify each person you expect to call as an expert witness at the trial of this case and state the following:

(a) The subject matter to which the expert is expected to testify;

(b) The subject of the facts and opinions to which the expert is expected to testify;

(c) Provide a summary of the grounds for each opinion; and

(d) Identify all documents utilized by the expert in reaching such opinions.

17.

State the name, address, and telephone number of each employer or business you have worked for during the past ten (10) years, the inclusive dates of your employment at each place of employ, your supervisor's name at each place of employ, and the reason for your departure from each respective place of employ.

18.

List your educational background: for each school and institution, please give its name, address, and nature (e.g., grade school, high school, vocational school, college), and the nature of the diploma, degree or certificate, if any, you received.

19.

If you have ever been charged, arrested, or convicted of any crime (other than a minor traffic offense), please identify each crime, the date of such charge or arrest, the charging or arresting authority, the court in which any criminal proceeding

was held, and the disposition and date of disposition of each charge.

20.

If you have ever been a party to any legal proceeding, claim or charge (including but not limited to unemployment hearing, EEOC charge, etc.), other than this lawsuit, please identify the role you had in the litigation, the nature of the claim or claims at issue, the date on which such action was filed, the court and civil action number or other identifying number of such legal proceeding, and the final disposition of such claim.

21.

Please identify all email accounts, text message accounts, and social media accounts used by you between January 1, 2008 and the present.

This 4<sup>th</sup> day of January, 2013.

Respectfully submitted,

Meredith Guerrero

Joseph C. Chancey

GA Bar #120520

jchancey@deflaw.com

Meredith Riggs Guerrero

GA Bar #214274

mguerrero@deflaw.com

**Counsel for Defendant Valley  
Hospitality Services, LLC**

DREW ECKL & FARNHAM, LLP  
P.O. Box 7600  
Atlanta, GA 30357  
Telephone: (404) 885-1400  
Facsimile: (404) 876-0992

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing Defendant Valley Hospitality Services, LLC's First Continuing Interrogatories to Plaintiff upon all parties to this matter by depositing a true and correct copy of same in the First Class United States Mail and also by Certified United States Mail/Return Receipt Requested (Certified Mail No. 7011 1570 0001 3264 3768), addressed to the *pro se* plaintiff as follows:

Alphonso Gomez  
7 Melody Court  
Columbus, GA 31907

This 4<sup>th</sup> day of January, 2013.

*Meredith Guerrero*

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Meredith Riggs Guerrero  
*admitted pro hac vice*  
Georgia Bar No. 214274  
[mguerrero@deflaw.com](mailto:mguerrero@deflaw.com)  
**Counsel for Valley Hospitality  
Services, LLC**



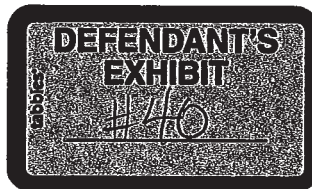
# **EXHIBIT 40**

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

ALPHONSO GOMEZ,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO.
	)	4:11-cv-00183-CDL
VALLEY HOSPITALITY SERVICES, LLC,	)	
	)	
Defendant.	)	
_____	)	

DEFENDANT VALLEY HOSPITALITY SERVICES, LLC'S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO PLAINTIFF

Defendant Valley Hospitality Services, LLC ("Valley Hospitality"), named as Defendant in the above-styled action, hereby requests, pursuant to Rule 34 of the Federal Rules of Civil Procedure, that you produce and permit counsel for Valley Hospitality to inspect and copy each of the documents and tangible things hereinafter described which are in your possession, custody or control. You are requested to produce the documents at the offices of Drew Eckl and Farnham, L.L.P., 880 West Peachtree Street, P.O. Box 7600, Atlanta, Georgia 30357-0600, on the 30<sup>th</sup> day after service of this Request, or at such other reasonable time and place as may be mutually agreed upon by counsel for both parties.



### DEFINITIONS

When used in this Defendant's First Request for Production of Documents to Plaintiff, the following terms shall have the following meanings:

A. "Document(s)" shall include tangible things and all stored or recorded data or information in any form or format, including, but not limited to written, drawn, typewritten, or printed documents, audiotapes, videotapes, digital, electronic or magnetic recordings of data, or graphic or photographic (including negatives) materials in whatever form, including copies, drafts and reproductions thereof of which you have possession, custody or control. Any request for a document shall include every copy of such document which contains any commentary or notation not appearing on the original. In the event that any document is stored in electronic form upon any electronic device, including but not limited to computers, cell phones, camera, storage media (e.g., hard disks, floppy disks, back up tapes, flashdrives), and PDAs (personal data assistants) within your possession, custody or control, said document must be produced in its native electronic form along with metadata.

B. "Person(s)" shall include natural persons, proprietorships, corporations, partnerships, limited liability companies, groups, associations and other legal entities.

C. "Plaintiff(s)" shall include any named Plaintiff, and, as applicable, his or her employees, agents, representatives, investors, attorneys or any other person who may have information for or on behalf of Plaintiff which is conceivably relevant to this litigation.

D. "You" and "your" shall include the named Plaintiff, Alphonso Gomez, and all persons acting or purporting to act on behalf of the named Plaintiff with respect to any matter pertaining to the subject matter of this lawsuit.

E. "Valley Hospitality" means the named Defendant Valley Hospitality Services, LLC, any of its employees, agents, representatives, or any affiliated business entity.

F. Singular masculine forms of any noun or pronoun shall embrace and be read to include the plural or feminine or neuter, as the context may make appropriate.

G. "Communications" means any and all written or oral communications between two or more persons, including but not limited to telephone communications, personal conferences, meetings, emails, letters, text messages, or otherwise.

H. "Relates to" or "relating to" means constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any way pertinent.

I. "Occurrence" means the incident(s), accident(s) or event(s) that gives rise to this lawsuit.

### REQUESTS

Please produce the following:

1.

Copies, including drafts, of all documents which support or relate to your claims in this litigation.

2.

Any and all documents reflecting communications you have had with any person or entity, including, but not limited to the Equal Employment Opportunity Commission (the "EEOC"), regarding the subject matter of the Complaint.

3.

Any and all documents given by you to the EEOC in connection with any charge of discrimination filed by you against Valley Hospitality.

4.

Any and all documents regarding changes to your job duties and/or assignment that occurred during your employment with Valley Hospitality.

5.

Any and all documents that you contend support your allegation that Valley Hospitality discriminated against you because of your race.

6.

Any and all documents that you contend support your allegation that Valley Hospitality retaliated against you for participating in activity protected by federal law.

7.

Any and all other documents that you contend evidence, support, or relate to any damages of any nature allegedly suffered by you as a result of any act by Valley Hospitality.

8.

Any and all documents that relate to any alleged condition related to physical, mental or emotional injury experienced by you, including but not limited to documents that reflect the nature of the physical, mental or emotional injury, the date of any diagnosis, the name, address and telephone number of any doctor from whom you have received a diagnosis or treatment, communications from any third party from whom you have received a diagnosis or treatment, medical records, medications you have taken, treatments you have received, and any and all billing statements or invoices for any treatments you have received or medications you have taken.

9.

Copies of all documents reflecting income you have received from 2007 to the present, including but not limited to copies of all tax returns, W-2's, W-9's, 1099's, and any and all other

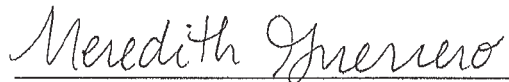
records reflecting income you have received from any employer or for unemployment benefits since you stopped working for Valley Hospitality.

10.

Any and all documents reflecting efforts made by you to find employment since your termination from Valley Hospitality, including but not limited to applications for employment submitted by you, interviews for employment in which you participated, and communications between you and any potential employer.

This 4<sup>th</sup> day of January, 2013.

Respectfully submitted,



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Joseph C. Chancey  
Georgia Bar No. 120520  
[jchancey@deflaw.com](mailto:jchancey@deflaw.com)  
Meredith Riggs Guerrero  
Georgia Bar No. 214274  
[mguerrero@deflaw.com](mailto:mguerrero@deflaw.com)  
*Counsel for Defendant Valley  
Hospitality Services, LLC*

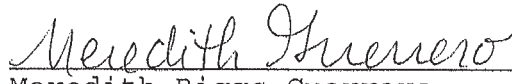
DREW ECKL & FARNHAM, LLP  
880 West Peachtree Street  
P.O. Box 7600  
Atlanta, GA 30357  
Telephone: (404) 885-1400  
Facsimile: (404) 876-0992

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing Defendant Valley Hospitality Services, LLC's First Request for Production of Documents to Plaintiff upon all parties to this matter by depositing a true and correct copy of same in the First Class United States Mail and also by Certified United States Mail/Return Receipt Requested (Certified Mail No. 7011 1570 0001 3264 3768), addressed to the *pro se* plaintiff as follows:

Alphonso Gomez  
7 Melody Court  
Columbus, GA 31907

This 4<sup>th</sup> day of January, 2013.

  
Meredith Riggs Guerrero  
*admitted pro hac vice*  
Georgia Bar No. 214274  
[mguerrero@deflaw.com](mailto:mguerrero@deflaw.com)  
*Counsel for Valley Hospitality*  
*Services, LLC*



# **EXHIBIT 41**

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

ALPHONSO GOMEZ,

Plaintiff,

VS.

CASE NO.  
4:11-cv-00183-CDL

VALLEY HOSPITALITY SERVICES, LLC,

Defendant.

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**PLAINTIFF ALPHONSO GOMEZ, PRO, SE**  
**RESPONSE TO FIRST CONTINUING INTERROGATORIES TO DEFENDANT**

Plaintiff Alphonso Gomez, Pro, Se, named as plaintiff in the above-styled action, and pursuant to Fed. R. civ. P. 33, hereby submits answer to the requested interrogatories and serve the answers upon counsel for Valley Hospitality.



1.

My full name is Alphonso Gomez, my social security number is: 143-54-7014, I was born on May 21, 1962, I am married and reside at 7 Melody Court, in Columbus, GA.

2.

- Durham Thacker was hired in late November or early December 2008 as general manager for Houlihan's Restaurant and sent to Houlihan's Training Store located in Atlanta, GA. Mr. Thacker requested of Donny Troutman that I be transferred to his site so that he could train me. Mr. Troutman denied his request and I was transferred to Loco's Restaurant.
- Jo Ann Shamsky who is the director of training for Valley Hospitality has the data and training requirements for all employees.
- Talon Jenkins was promoted to supervisor and was trained by me sometime approximately during the months of November and December 2009. Erin Hamilton and April were also promoted to supervisor; I trained them as well.

3.

- June 2008; Robert Stewart and I were both hired at Houlihan's Restaurant days apart, Mr. Stewart being hired first. He had no previous management experience. However, shortly thereafter Valley Hospitality acquired a new property to which Mr. Stewart was assigned to manage.
- I was denied the opportunity to receive paid training, instead I was told by Donny Troutman to go online and get my training via the internet; on the wire. **\*\*see handwritten notes\*\***

4.

- Approximately in November 2008, Durham Thacker and Jim McKenna were hired by Valley Hospitality as general managers.
- According to Valley Hospitality's website; they prefer to hire from within. **\*\*see downloaded copy of Valley Hospitality's Training\*\***
- My resume clearly states that my career objective is to acquire a management position with an organization which provides future growth and

advancement opportunities based on performance; it also lists my qualifications **\*\*see resume and initial application for employment with Valley Hospitality\*\***

5.

- Several white males were hired from the outside as general managers, at least two were afforded the opportunity to attend Houlihan's Training Store located in Atlanta; also, a white female with less experience and seniority was hired from the outside and promoted to general manager. Most of them did not retain their employment with Valley Hospitality beyond six months. One of the above mentioned males was Ms. Dozeman's boyfriend; Tim White.

6.

- July 2008; Donny Troutman transferred me to Loco's Restaurant because as he stated; I was older and he felt that I would do a better job and not get involved in unprofessional behavior with the female staff as was the case with Robert Stewart and Cory Culbert.
- May 2009; Robert Stewart was terminated at which time, I was appointed acting general manager for approximately three weeks.
- Early July 2009; Lindsey Dozeman was hired from the outside as assistant general manager, shortly thereafter, the exchange of e-mails between Brian Plemmons and Anthony Brown began. I was shown an e-mail by Anthony Brown that was sent by Brian Plemmons to Donny Troutman which stated; "let's see who wants the GM position more, Lindsey may blow Al right out of the water. Because of that e-mail, I became very uncomfortable in the work place and with the training of Ms. Dozeman. She began to override my decisions regarding staff duties and the daily functions of the restaurant. A few days later, I asked Ms. Dozeman; "how does it feel to be GM"? She replied; "they told you". I then responded; "they who"? She replied; "Anthony and Donny". She then went on to say that they were both undecided about who would tell me that she was the new GM of Loco's Restaurant. I only received confirmation of her promotion when her business cards arrived showing that she was general manager for Loco's Restaurant.

- Ms. Dozeman and her boyfriend; Tim White were both hired around the same time and within three weeks, they were both promoted to general manager.
- On or about August 5, 2009, Mr. Thacker was terminated from Houlihan's North and his position was filled by Aldo DeSantos who was hired from the outside. **\*\*see handwritten notes\*\***
- November 14, 2009; David Hay, Human Resources Director and Donny Troutman came to Loco's Restaurant and informed me that Valley Hospitality and Loco's Restaurant would be going their separate ways at the close of business that day because Loco's Restaurant no longer wanted Valley Hospitality to manage its property. Mr. Troutman then handed me my separation papers and stated that my services were no longer needed. Mr. Hay never spoke.
- I then asked Mr. Troutman what was going to happen with the other employees' positions; if he had anything at any of the other properties and if not, could I return to my original site. Mr. Troutman responded; no. I do not know but, I am assuming that his response was to the latter portion of my questioned statement because he went on to say that; Will Bergen the owner of Loco's Restaurant said that he was going to keep all of the hourly employees that wanted to stay and that he was also going to keep the kitchen manager. Mr. Troutman then went on to say that Lindsey Dozeman was going to be the assistant general manager at Houlihan's Restaurant located in the DoubleTree Hotel. I responded by asking Mr. Troutman; "what about seniority, I have been here longer than Lindsey, doesn't seniority count for anything"? Mr. Troutman then responded; "no, it doesn't". I then turned to Mr. Hay and said; "WOW, really"? Mr. Hay again, did not speak; he slightly shake his head as to say yes. I then asked Mr. Hay; "do you really mean that seniority doesn't count"? Again, Mr. Hay did not speak, he slightly raised his eyebrows. At that point, I sighed, said thank you and walked away in disbelief.
- Upon my arrival home that evening, my wife informed me that I had received a letter from the EEOC. The letter stated that their office had notified Valley Hospitality of my charge against them for discrimination. At approximately 8:30PM, I received a phone call from Mr. Hay who at that time did offer me a position as assistant general manager at Houlihan's Restaurant located in the DoubleTree Hotel. I responded; "I thought that y'all didn't have any positions". Mr. Hay then responded; "we got one".

I then agreed to a meeting with him and Mr. Troutman scheduled for the upcoming Tuesday, November 18, 2011. **\*\*see EEOC letter\*\***

- The meeting began with Mr. Troutman handing me the job description which also included the rate of pay. Following my review, I turned to Mr. Troutman and requested more money. Mr. Troutman responded; "no, that's the offer".
- My request was based on my experience in the industry; my abilities to perform and implement said duties as is pertinent to the daily functions and the overall operation of a restaurant while serving in the capacities of manager, assistant general manager and general manager.
- The previous Friday, November 14, 2011; I was given my separation papers after which I immediately filed for unemployment benefits. As a result, I was obligated to accept the position because I could not refuse any offer for employment. The following day, I reported to work and during the course of the day, I learned that Ms. Dozeman had left the company a few days prior to my re-hire and being assigned to her former position at Houlihan's Restaurant located in the DoubleTree Hotel. I was assigned as assistant general manager; not general manager.

7.

- December 2009; after settling the registers, I had an overage of \$165 dollars and was unable to determine why. The overage was discovered while settling the register for a banquet party which had cash sales. I turned all of the cash and receipts over to Craig the night auditor which is protocol at the close of business. I explained to Craig that I had an overage of \$165 dollars and that I was unable to determine why. A few days later, Craig returned the \$165 dollars too me. Aldo DeSantos was off duty so, I placed the money in an envelope with an attached note to Mr. DeSantos explaining its contents and the circumstances regarding it. I was off duty for a couple of days and upon my return, I asked Mr. DeSantos if he had determined where the \$165 dollars belonged. Mr. DeSantos informed me that he had found out where the money belonged and that he had returned it to Craig the night auditor. I closed again that evening and while handing in my daily receipts to Craig and during casual conversation, I said to him; "so, you finally found out where the \$165 dollars belonged, huh". Craig looked at me as if he was confused and said; "I have not figured out anything concerning that \$165 dollars". At that point, I said:



"Mr. DeSantos said that he had figured it out and had returned the money to you". Craig responded; "Aldo never gave me any money back". A few days later, I reported the entire incident to Mr. Troutman.

- "Squirrel" (not her legal name) a banquet server later questioned me about the results of the overage. She was aware of the overage because she had sat with me that evening as I counted the receipts; it was her drawer. I at that point did inform her of the circumstances surrounding the overage. Following our conversation, I never heard anything more from Mr. Troutman or anyone else regarding the overage.
- Early January 2010; April and Summer both servers brought to my attention that another server by the name of Taylor had been sitting at a booth with guests and that she had been consuming alcohol with them while on the clock. I asked them if they were absolutely sure. They both responded "yes". I then went into the office and called Mr. Troutman and informed him that I had a situation at the restaurant and needed him to come over. Once he arrived, I relayed the information given to me by April and Summer. Mr. Troutman then called the IT guy over to retrieve the video. After reviewing the video, it was confirmed that Taylor did consume alcohol while sitting with guests in their booth and while on the clock. She was later terminated. Shortly thereafter, I learned through staff that Mr. DeSantos was furious after finding out that Taylor had been terminated. It was common knowledge amongst the restaurant staff and throughout the hotel that on Mr. DeSantos' days off; Taylor, Lindsey (not Dozeman) and several other servers would hangout with him in his room.
- Mr. DeSantos was hired from the outside by Mr. Troutman as general manager and put-up in the DoubleTree Hotel because he did not want to sell his house and until he could find suitable housing in the area. Mr. Troutman and Mr. DeSantos were friends who had previously worked together at a hotel/restaurant in Tennessee.
- Several days later, approximately around 4:00PM; I was at a guest table speaking with them when I noticed Mr. DeSantos standing off to the side between the dinning room and the kitchen with his arms folded. I turned back to the guests and continued our conversation. Five to six minutes later, I noticed that Mr. DeSantos was still in the same location and that his position had not changed. At that point, I excused myself from the guests' table and went over to Mr. DeSantos and asked him if he needed me. Mr. DeSantos responded; "yes, I need you to get out there and help

those girls set-up, it's almost dinner time"! His voice slightly raised, Mr. DeSantos then went on to say that he had been standing there for fifteen minutes! I responded by saying; "if they needed that much help, why didn't you help them"? Mr. DeSantos then began to raise his voice higher at which time I told him that if he wanted to speak with me further, we could continue the conversation in the office. Apparently, Lindsey and another server had gone to Mr. DeSantos and told him that I was not helping them bust tables. Once we got into the office, Mr. DeSantos remained standing as I sat on the corner of the desk. Again, he began to raise his voice, which promoted me to stand up and also with raised voice; I informed Mr. DeSantos that he was not going to speak to me in that manner or tone of voice. Mr. DeSantos then told me that I was being insubordinate and that as a result, he would be suspending me for three days. I responded by telling him; "since you are going to suspend me for some bullshit, give me seven days"! He responded; "okay, seven days"!

- There were basically no customers in the restaurant during this time; as this is always a slow period of the day prior to the evening dinner crowd.
- I then handed Mr. DeSantos the tickets I had. However, once I had gotten home I found a ticket in my shirt pocket; its approximate value being between \$30 - \$40 dollars. I then called Mr. DeSantos and informed him of my discovery and that I would be returning in a few minutes to give him the ticket. When I arrived and handed Mr. DeSantos the ticket, he in turn handed me the write-up. After reading the write-up, I informed Mr. DeSantos that I was not going to sign it because I did not agree with it; and I requested a meeting with Mr. Hay the human resources director and Mr. Troutman. The write-up stated that my suspension would be for five days.
- The meeting was held shortly thereafter in a private dining room with Donny Troutman, David Hay, Aldo DeSantos and myself. Once we were all seated, I placed a tape recorder on the table and asked; "does anyone have any objections to me recording this meeting"? Immediately, Mr. Troutman and Mr. Hay pulled out their cell phones as they were getting up from the table, both went into the hallway. When they returned, Mr. Troutman stated that Mr. Plemmons wanted to sit-in on the meeting therefore, the meeting would be rescheduled for February 15, 2010 at the corporate office there in Columbus.



- February 15, 2010; the scheduled meeting was held in the boardroom, those in attendance and as seated were: Brian Plemmons who sat at the head of the table; Donny Troutman who sat to the immediate left of Mr. Plemmons; Aldo DeSantos who sat to the right of Mr. Troutman; David Hay who sat to the right of Mr. DeSantos and myself sitting to the right of Mr. Plemmons. Once the meeting had started; I placed the tape recorder on the table and asked; "does anyone here have any objection to me recording this meeting"? Mr. Plemmons responded; "yes, I do, you are not pulling that recorder crap in here today"!! Therefore, I was unable to record the meeting. Mr. Plemmons then went on too say; "I don't know who you think you are; Aldo is a great manager and if he gives you a directive, you need to follow his instructions"!! I then tried to respond at which point; Mr. Plemmons leaned over the table, his arm extended with his finger pointed at me it almost touching my nose and said; "you shut your mouth BOY!; you are lucky to be working for this company"!!! He then leaned back and started telling me what would be expected of me if I continued to work for Valley Hospitality. He then said to me; "do you want to continue to work for this company; if so, you had better follow instructions"!! I only responded by shaking my head, yes. After which, Mr. Plemmons handed me the write-up and as he did he said; "here is your write-up, now you put your signature on it"!!! I signed the write-up, handed it back to him and asked; "so, can I speak now"? Mr. Plemmons said; "NO, now you get your Butt out of my boardroom"!!!
- When Mr. Plemmons leaned over the table with his arm extended and his finger pointed at me it almost touching my nose, I looked over at Mr. Hay thinking and hoping that he would intervene and provide me some type of representation but he didn't, he never uttered one word in my defense.
- My attempt to record both meetings was because I knew that I would not have any representation based on my previous experience with Mr. Hay. For example; during the time relative to the closing of Loco's Restaurant when I questioned both he and Mr. Troutman concerning the relevance of seniority; Mr. Hay at that time never uttered one word in my defense when I questioned why Lindsey Dozeman was being retained and I was being let go even though I had the most seniority.

- Not being promoted, denial of advancement training, outside hiring of

several white males as general managers and the hiring of a white female with far less restaurant and managerial skills, experience and or qualifications who was promoted along with her boyfriend to the position of general manager, within three weeks of their hire.

**\*\*see Dozeman & Gomez resumes\*\***

9.

– Debra Scott, Esq.  
Peachtree & Scott, Suite 404  
Atlanta, GA 30345  
(770) – 938 – 1061  
Initial Consultation/Retainer; Re: EEOC Charges

EEOC Atlanta District Office  
100 Alabama Street, SW, Suite 4R30  
Atlanta, GA 30303  
(404) – 562 – 6971  
Charges of Discrimination/Mediation

Georgia Department of Labor  
1500 Columbus – 700 Veterans Pkwy  
P.O. Box 2487  
Columbus, GA 31901  
Filed for Benefits on November 16, 2009

Georgia Department of Labor – Appeals Tribunal  
1630B Phoenix Blvd., Suite 201  
College Park, GA 30349 – 2884  
(770) – 909 – 2828  
Administrative Hearing; Appeal to Denial for Benefits

10.

Piccadilly Restaurant  
345 Manchester Expwy  
Columbus, GA  
(706) – 323 – 9593  
Applied/Employed: March 2011 – October 2011  
Supervisor: Robert Day

Annual salary: \$42,000.00 plus Bonuses

Business closed October 2011

Duties/Responsibilities:

included by not limited to; catering manager, assistant manager & general manager, food quality, guest services, recipe compliance, training, hiring, terminations, cost control, inventory, profit & loss, close-outs and deposits.

11.

- vehicle repossession, threat of eviction by landlord; my entire family was stressed and depressed as a direct result of the suspension and my subsequent termination and the initial denial of my unemployment benefits which caused substantial hardships. We had to borrow monies from family members to retrieve the vehicle from repossession; without transportation it was very difficult to search for, obtain or too retain gainful employment. We also had to borrow monies to pay for vehicle insurance, monthly bills, buy food and to sustain the basic necessities needed for day to day living. I was no longer able to provide my family the lifestyle to which they had become accustomed.
- We were set back between \$6,000 - \$7,000 dollars during the periods of said suspension, my subsequent termination, and the denial of my unemployment benefits to which I had too appeal. Following my appeal and subsequent tribunal hearing, I was deemed eligible to receive the denied benefits as the decision for denial was overturned. **\*\*see sworn affidavits & Georgia Department of Labor Appeals Tribunal Decision\*\***

12.

Piccadilly Restaurant  
345 Manchester Expwy  
Columbus, GA  
(709) - 323 - 9593

Applied/Employed: March 2010 - October 2011

13.

- Stress, depression and anxiety. No medical attention was sought because I had no medical coverage and obtaining medical attention without coverage would have only added to my family's financial hardships.

14.

- There were at least two individuals that were hired from the outside during the month of November 2009; Durham Thacker and Jim McKenna, both are white and both were afforded the opportunity to receive paid training at Houlihan's Training Store. I was not. **\*\*see manager's schedule with notations\*\***

15.

- The facts are that I was treated differently than white males and female hired by Valley Hospitality. I was denied advancement training, overlooked for promotions, endured violations of seniority, retaliation, violation of my civil rights and old employee file carried over and used against me even though I was a new hire. I feel as though I was singled out by Donny Troutman because of the charges I filed with the EEOC. Mr. Troutman assigned Anthony Brown (who is African American) to do his dirty work; he was only placed at Loco's Restaurant so that it could not be said that he (Mr. Troutman) was discriminating against me. Mr. Brown reported directly to Mr. Troutman. Mr. Brown was general manager at the Cannon Brew on Broadway in Columbus; he was never transferred and never stayed at Loco's Restaurant more than two hours each visit. **\*\*also see response #6; paragraphs 3 & 4\*\***

16.

N/A

17.

Zaxby's  
4942 Buena Vista Road  
Columbus, GA 31907  
Rand Jones & Ken Greene, Owners  
(706) - 568 - 8520  
Employed: June 2003 - May 2005  
Terminated

Atlanta Bread Company  
1921 Columbus Park Crossing  
Columbus, GA 301904  
(706) - 494 - 1224

Supervisor: Bruce Shirley  
Employed: May 2007 – January 2008  
Resigned

Piccadilly  
3131 Manchester Expwy, Suite #23  
Columbus, GA 31908  
(706) – 323 – 9593  
Supervisor: David Lyons  
Employed: November 2007 – May 2008  
Resigned

Valley Hospitality  
800 Front Avenue  
Columbus, GA 31901  
(709) – 659 – 1898  
Supervisor: Donny Troutman  
Employed: May 2008 – March 2010  
Terminated

Piccadilly  
3131 Manchester Expwy, Suite #23  
Columbus, GA 31908  
(706) – 232 – 9593  
Supervisor: Robert Day  
Employed: April 2010 - October 2012  
Business Closed

18.

North Main Elementary School  
North Street  
Pleasantville, NJ 08232

Washington Avenue Junior High School  
Washington Avenue  
Pleasantville, NJ 08232

Pleasantville High School  
Franklin Boulevard  
Pleasantville, NJ 08232

Received Diploma; highest achievement in business machines and Vice President

Class of 1981

Columbus State University  
University Avenue  
Columbus, GA 31908  
Course of study; Political Science

19.

Arrested in Pleasantville, NJ for disorderly person in 1982; paid fine

20.

- Approximately around 1988; workman's compensation case for job related injury in Atlantic County, New Jersey, in which, a settlement was reached.
- November 17, 2009; EEOC Mediation to which I am the plaintiff for charges of racial discrimination against Valley Hospitality, LLC., Case No. 410 2010 – 00427C; I was given the right to sue.
- April 28, 2010; Georgia Department of Labor, Appeals Tribunal to which I was the defendant, unemployment benefits were granted. Docket NO. 18456 – 10

21.

Twitter & Face-book; tinagomezal@aol.com  
(706) -393-7345 (text)

**CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2012, I sent by U.S. mail, Plaintiff's  
Response To Continuing Interrogatories to Defendants' following attorneys of  
record:

Meredith Riggs Guerreo  
DREW ECKL & FARNHAM  
880 W. Peachtree St.  
P.O. Box 7600  
Atlanta, GA 30357-0600

---

Alphonso Gomez  
7 Melody Court  
Columbus, GA 31907

# **EXHIBIT 42**



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

RECEIVED  
CLERK'S OFFICE

11 NOV 21 PM 3:11

U.S. DISTRICT COURT  
MIDDLE DIST. OF GEORGIA  
COLUMBUS, GEORGIA



Alphonse Gomez  
Plaintiff

v.  
Valley Hospitality Service LLC,  
Pezold Management  
Donny Troutman, Brian Plemmons  
Defendant(s)

Civil Action No: 4-11-cv-183 (CDL)

David Hay

COMPLAINT

1. Defendant is a citizen of the United States and resides at 800 Front Street  
Columbus Ga. P.O. Box 4252 Columbus Ga. 31901

2. Defendant(s) names(s) Bonny Troutman, Brian Plemmons,  
David Hay, Valley Hospitality Services LLC,  
Pezold Management

Location of principal office(s) of the named defendant(s) 600 Brookstone Centre  
Columbus Ga. 31904

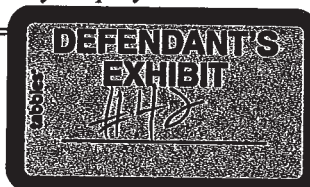
Nature of defendant(s)' business Restaurant, Hotel

Approximate number of individuals employed by defendant(s) 450-500

3. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. § 2000e-5. Equitable and other relief are also sought under 42 U.S.C. § 2000e-5(g).

4. The acts complained of in this suit concern:

- (A) ☐ Failure to employ me.  
(B) ☒ Termination of my employment.



- (C) ☒ Failure to promote me.  
(D) ☐ Other Acts as specified below:

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5. Plaintiff is:

- (A) ☐ presently employed by the defendant(s).  
(B) ☒ not presently employed by the defendant(s).

The dates of this employment were May 2008 - Nov 2009 / Nov 2009 - March 2010

Employment was terminated because:

- (1) ☒ plaintiff was discharged.  
(2) ☐ plaintiff was laid off.  
(3) ☐ plaintiff left the job voluntarily.

6. Defendant(s) conduct is discriminatory with respect to the following:

- (A) ☒ my race.  
(B) ☐ my religion.  
(C) ☐ my sex.  
(D) ☐ my national origin.  
(E) ☒ other as specified below:

Retaliation

7. The name(s), race, sex, and the position or title of the individual(s) who allegedly discriminated against me during the period of my employment with the defendant(s) company is (are) Denny Troutman

(white) Brian Hemmons (white) David Hay (white)

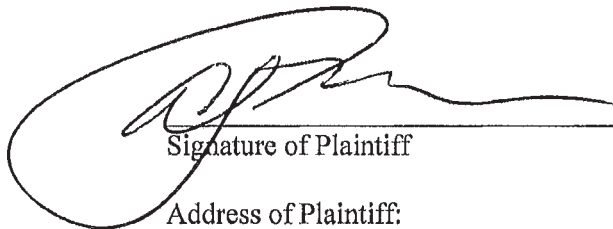
8. The alleged discrimination occurred on or about July Nov 2008

9. The nature of my complaint, i.e., the manner in which the individual(s) named above discriminated against me in terms of the conditions of my employment, is/are as follows:

Not promoting Me base on Race. Terminating Employment  
Retaliation

10. The alleged illegal activity took place at Houlihan's Restaurant, Locos Grill and Pub in Columbus Ga.
11. I filed charges with the Equal Employment Opportunity Commission regarding defendant(s)' alleged discriminatory conduct on or about Nov 2008. I have attached a copy of the Notice of Right to Sue letter issued by the Equal Employment Opportunity Commission. This letter was received by me on August 24, 2011
12. I seek the following relief:
- (A) ☒ recovery of back pay.
  - (B) ☒ reinstatement to my former job or position.
  - (C) ☒ front pay (where reinstatement is not suitable).
  - (D) ☒ damages (damages are recoverable only in age discrimination cases and only for "willful violations" of the Act.
  - (E) ☒ injunctive relief.
  - (F) ☒ expenses and attorney's fees.
  - (G) ☒ other (describe below):

11/21/2011  
Date

  
Signature of Plaintiff

Address of Plaintiff:

7 Melody Court  
Columbus Ga. 31907

Phone Number: 706 393 7345

Attachment: Right to Sue Notice

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Alphonso Gomez**  
**7 Melody Court**  
**Columbus, GA 31907**

From: **Atlanta District Office**  
**100 Alabama Street, S.W.**  
**Suite 4R30**  
**Atlanta, GA 30303**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**410-2011-00783**

**April M. Sims,**  
**Investigator**

**(404) 562-6847****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC Issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

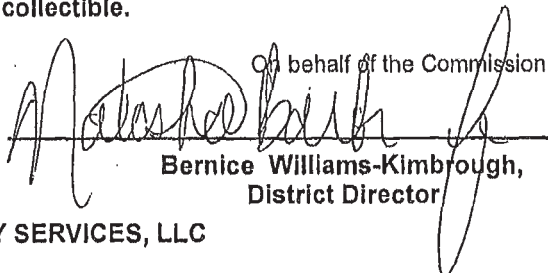
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission  
  
**Bernice Williams-Kimbrough,**  
**District Director**

**AUG 18 2011**

(Date Mailed)

cc: **VALLEY HOSPITALITY SERVICES, LLC**

**Attn: Meredith Riggs Guerro, Attorney**  
**Drew Eckl and Farnham, LLP**  
**880 West Peachtree Street**  
**Atlanta, GA 30309**

# **EXHIBIT 43**

AUG 10 PM 1:00

[illegible]

**Defendant.**

## Jury Demand

**DEFENDANT'S  
EXHIBIT**  
#43

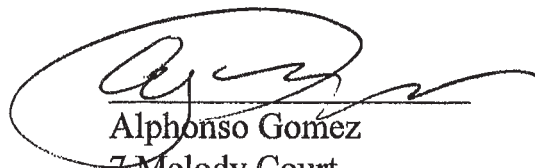
kept a member of a different race, with less time on the job than me. On November 17, 2009 Valley Hospitality received notification that a complaint was file against them. On the evening November 17, 2009 I was contacted by the Valley Hospitality's H.R. Director and offered a job.

3. In January 2010 I started having problems with my manager. Which came to write ups, suspension and termination. To which I have supporting documents that Valley Hospitality was just trying to build a good defense for the EEOC Mediation on March 9, 2009.

4. Plaintiff wrongful termination Plaintiff not following company Policy which was overturned by the Georgia Department Labor base on crucial Evidence that was presented by Plaintiff.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order to amend the original complaint.

Respectfully submitted this 10<sup>th</sup> day of August, 2012.

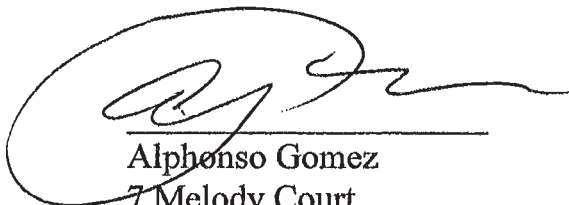


Alphonso Gomez  
7 Melody Court  
Columbus, GA 31907  
Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2012, I sent by U.S. mail, Plaintiff's  
Motion to Amend Complaint to Defendants' Motion to Amend Complaint on the  
following attorneys of record:

Meredith Riggs Guerreo  
DREW ECKL & FARNHAM  
880 W. Peachtree St.  
P.O. Box 7600  
Atlanta, GA 30357-0600



Alphonso Gomez  
7 Melody Court  
Columbus, GA 31907



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

**ALPHONSO GOMEZ**

**Plaintiff,**

**vs.**

**VALLEY HOSPITALITY  
SERVICES, LLC.**

**Defendant.**

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**CIVIL ACTION FILE**

**NO. 4:11-CV-00183-CDL**

**Jury Demand**

**ORDER**

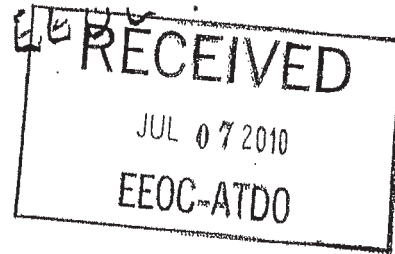
Plaintiff Alphonso Gomez has filed an motion for Amend original complaint  
For good cause shown, Plaintiff's motion is granted.

IT IS SO ORDERED this \_\_\_\_\_ day of August 10, 2012.

\_\_\_\_\_  
United States Magistrate Judge

# **EXHIBIT 44**

Charge # 846-2009-58169C



Mr. Alphonso Gomez  
7 Melody Court  
Columbus Ga. 31907  
706 393 7345

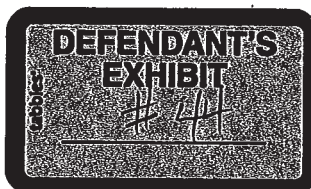
March 3, 2010

Complaint # 846-2009-58169C

I would like to add another  
Charge to my Complaint. I would like  
add the Charge of Retaliation + Wrongful Termination  
If you have any questions Please feel  
free to Contact me at the Above Number.

Thank You  
Alphonso Gomez

A handwritten signature in cursive script, appearing to read "Alphonso Gomez".



GOM-00021

Charge # 846-201-58169C

On February 9<sup>TH</sup> 2010 I requested to have a meeting with the HR Director hoping to overturn the 5 Days suspension imposed by my General Manager Aldo DeSanto. I was hoping with David Hay's experience as an HR Director and his belief in the Lord, he would be fair and impartial. On the day of the meeting Donny Troutman visited himself. This is the general practice of the HR where someone wants to speak with Human Resource Director. At the beginning of the meeting I ask would anyone would mind if I recording this meeting. Mr Hay, Mr. Troutman and Mr. DeSanto all left the room and made some calls to someone. They later returned to the room and said we would be rescheduling this meeting at the Corporate office of Brian Plam President of Valley Hospitality. I received a text from David Hay on 2-14-2010 about 2<sup>PM</sup> to let me know of the meeting schedule for 2-15-2010.



for me to answer, he then ask the question again  
do you want to work for this Company? & then  
said " Oh its OK to speak now. This seemed  
to anger Mr. Plimmans. More. But it said yes  
just as long as I treated fairly. Are you saying  
you have not be treated fairly. This Man (Alde De Santo)  
Does a great job for this Company he a great Manager  
he became so upset me he told <sup>me</sup> " get your butt  
out of my board room. & gathered my belongings  
and left the room. Mr. Plimmans spoke to me  
with no respect and never giving me the chance to tell my  
side of the story. There are several employees willing  
to give written statement of the unfair tactic and  
the false statement Mr. De Santo will make up to  
get rid of employee he no longer care for.

I was hoping Day Hay experience with the HR  
relation and employment law would have stoppe  
Mr. Plimmans and said let this ~~MAN~~ speak.

D Charge# 846.009.58169C

And after all of the things this Company has done all kinds of Tucky things to me to make me quit my job. I also feel I was wrongfully terminated from my position as Assistant General Manager. Brian Plemmone, Donny Troutman, David Hay, and Aldo De Santo were clearly trying to build a good defense against me for the racial discrimination complaint that was filed in August 2009. It was clearly planned to get rid of me before the mediation hearing. So that they would offer a low settlement thing since I was not employed at the time I would accept this and sign a paper not to continue with this complaint.

# **EXHIBIT 45**



**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



410-2011-00783

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Mr. Alphonso Gomez**

Home Phone (Incl. Area Code)

**(706) 585-7391**

Date of Birth

**05-21-1982**

Street Address

City, State and ZIP Code

**7 Melody Court, Columbus, GA 31907**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**VALLEY HOSPITALITY SERVICES**

No. Employees, Members

**500 or more**

Phone No. (Include Area Code)

**(706) 853-9455**

Street Address

City, State and ZIP Code

**600 Brookstone Centre, Columbus, GA 31904**

Name

**RECEIVED**

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

**NOV 24 2010**

DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE    ☐ COLOR    ☐ SEX    ☐ RELIGION    ☐ NATIONAL ORIGIN  
☒ RETALIATION    ☐ AGE    ☐ DISABILITY    ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest  
**02-01-2010**Latest  
**03-02-2010**☐ CONTINUING ACTION

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

This is a perfected charge timely received by EEOC on July 7, 2010.

I was employed by the above-named employer as an Assistant Manager on May 28, 2008. On November 17, 2009, I filed an EEOC charge of discrimination (Charge No. 846-2009-58189). On February 1, 2010, I was placed on a 5 day suspension. On March 2, 2010, I was discharged.

The reasons given for my suspension were reporting to work late, insubordination and performance issues. The reason given for my discharge was not informing management of my absence.

I believe that I have been retaliated against for having filed a previous EEOC charge, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

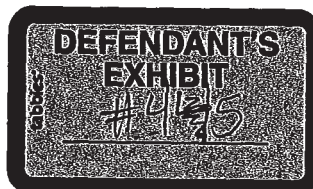
SIGNATURE OF COMPLAINANT

Nov 23, 2010

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



# **EXHIBIT 46**

January 28, 2013

To whom it may concern

My name is Bradford Coley 6022 Mill Branch Road  
Columbus, Ga. 31907. I am the brother of Alphonso  
Gomez.

In March 2010 my brother was fired from his job  
At Houlihans Restaurant (Valley Hospitality).  
He was having some problems making ends meet, he called  
on me for some financial help after his car was  
repossessed, I then asked if he was having any other  
problems with paying other bills. He was pretty much  
about to be put out of his home and utilities were about to  
be shut off. I began to help with getting his finances in  
order.

If you have any questions concerning this matter do not  
hesitate to call me at 706-763-8991.

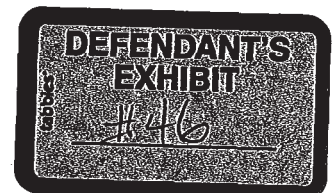
Thank you,

*Bradford Coley*

Bradford Coley

*Robert Greener II*

Notary Public  
My Commission Expires  
on June 24, 2014



# **EXHIBIT 47**

**Regional Urgent Care Center LLC**  
1800 10th Ave Suite F Columbus, GA 31901  
706-320-8687 Fax: 706-320-8609

February 12, 2010

Employee: ALPHONSO GOMEZ

To Whom It May Concern:

For Medical reasons, please excuse the above named employee from work for the following dates.

Start: February 12, 2010

End: February 15, 2010

May return to work February 16, 2010.

If you need additional information, please feel free to contact our office.

Sincerely,



Amber Flowers LPN



# **EXHIBIT 48**

**Columbus Cardiology Associates, P.C**  
2525 Williams Road, Columbus, Ga 31909 706-323-5552

**Check Out Sheet**

**Patient:** ALPHONSO GOMEZ D.O.B. (05/21/1962)

**mr #** 59724

**Insurance:** 1. BCBS OF GEORGIA PPO 2.

**Provider:** GEORGE MILLER MD

**Tuesday, February 23, 2010**

**Charges for Today:**

Level 3 Consultation (99243)

**Diagnoses:**

1. Diabetes Mellitus Type II - 250.00
2. Hypertension - 401.1
3. Tobacco Abuse - 305.1
4. Obesity - 278.00

**Future Appointments:**

2-D w/ CFD Echocardiogram.

Myocardial Perfusion Study / Adenosine protocol on Wednesday, 02/24/2010.

**Other Follow-Up:**

Please see Dr. Daniel E Kosobucki MD. Schedule appointment as needed.

**Medications:**

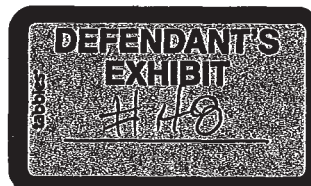
Metformin Hcl	1000 Mg	take 1 tablet (1000MG) by ORAL route 2 times every day with morning and evening meals
Lisinopril	20 Mg	take 1 tablet (20MG) by ORAL route every day
Glipizide	10 Mg	take 1 tablet (10MG) by ORAL route 2 times every day before meals

**Special Instructions:**

**Please review additional instruction sheets, if provided, for details of specific tests ordered.**

Find out if you qualify for free health care thru clinical research trials. Contact Kindall Klein at 706-243-2320 for more details.

Cash / Visa / MC / Disc / Debit / MO Amt \$ \_\_\_\_\_ Check # \_\_\_\_\_ Initials \_\_\_\_\_ page 1 of 1



GOM-00137

# **EXHIBIT 49**



# 277030

# St. Francis Orthopaedic Institute

## VISIT STATUS REPORT

St. Francis  
Orthopaedic Institute

Patient Name Alphonso Gomez  
Date 3-3-10  
Physician A. Zimmerman D.O.

2300-A Manchester Expressway, • Suite 101-A • Columbus, Georgia 31904  
Phone: 706.322.6646 • 800.982.1185 • Fax 706.322.2891

DIAGNOSIS	CODE	DETAIL
1.		
2.		
3.		
4.		

RETURN TO WORK: ☐ Today ☐ Other:  
WORK STATUS: ☐ NO WORK ☐ RETURN WITH RESTRICTIONS AS BELOW  
☐ NO RESTRICTIONS

WORK STATUS	SEDENTARY: Lift/Carry/Push/Pull 0-10 lbs. LIGHT DUTY: Lift/Carry/Push/Pull 10-25 lbs. MEDIUM DUTY: Lift/Carry/Push/Pull 25-50 lbs. HEAVY DUTY: Lift/Carry/Push/Pull 50-100 lbs. REPETITIVE MOTION: None Occasional Frequent PUSH/PULL TASKS: None Occasional Frequent	TASKS TO BE DONE AT (level): Waist Shoulder Overhead CLIMB TO UNPROTECTED HEIGHTS: None Occasional Frequent JOB ROTATION: Frequent or Micro Breaks Non-Production Work Recommend Workstation Modification. BRACE/SLING/CRUTCHES/CANE USED AT WORK: Optional Mandatory	BENDING AT WAIST LEVEL: None Occasional Frequent KNEELING: None Occasional Frequent SQUATTING: None Occasional Frequent STANDING: None Occasional Frequent DRIVING: None Hours/Day
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\*\*\*NO DRIVING OR OPERATING MACHINERY WHILE TAKING NARCOTIC PAIN MEDICATION\*\*\*

COMMENTS: Mr. Gomez is pending bilateral total knee  
replacements (date to be determined). Recovery is approx. 8-12  
weeks from the surgery date.

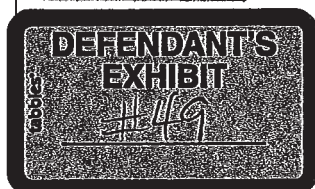
PLAN	PRESCRIBE: Pain Medication Therapy TESTING: MRI CT Labwork RECOMMEND: Functional Capacity Evaluation SURGERY: MMI REACHED: Today Weeks Months PPI% Extremity Whole Person	NSAIDS Sling/Brace EMG/NCV Bonescan Functional Capacity Evaluation	Steroids Splint/Cast/Boot Myelogram Other:	Steroid Injection Antibiotics Arthrogram Work Hardening
------	---	--	---	--

RETURN TO CLINIC: \_\_\_ Days \_\_\_ Weeks \_\_\_ Months PRN  
DAY \_\_\_  
TIME \_\_\_  
PROGRESS CALL: \_\_\_ Days \_\_\_ Weeks \_\_\_ Months  
☐ THIS PATIENT IS DISMISSED FROM CARE AS OF THIS DATE

Please excuse \_\_\_\_\_ from school due to a Doctors appointment at our office.

Check-In Time

Check-Out Time



Physician Signature

GOM-00139

# **EXHIBIT 50**



HP0002

Columbus Regional Medical Center  
710 Center Street • Columbus, GA 31901  
(706) 571-1088

PATIENT INFORMATION

**EXITCARE® PATIENT INFORMATION****Patient Information:**

Patient Name: ALPHONSO GOMEZ	Patient Address: 7 MELODY CT, , COLUMBUS, GA, 31907
Patient ID: 4762828	Patient Email:
Patient Medical Record Number:	Patient Gender:
Patient DOB: 5/21/1962	Responsible Adult:
Patient Phone Number: (706)565-6641	Diag:

**Primary Caregiver Information:**

Attending Caregiver: \*Saucier Frank MD

Primary Follow-up Caregiver: - (000)000-0000	Primary Follow-up Time:
--	-------------------------

**User Information:**

Login ID:	User Name:	Dept: ED
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&gt;&gt;&gt;&gt; Form - Excuse from Work School Phys Activity - English - {183968B6-6FD8-45A0-8C24-514C3E24E8D1}

What is the name of the patient?: ALPHONSO GOMEZ

Check if excused from work.: Checked

Check if excused from school.: Not Checked

Check if excused from physical activity.: Not Checked

The Patient is excused from work/school now through the following date:: 4/21/2009

Check if patient may return to work/school but avoid physical activity until what date?: Not Checked

Enter last date that excuse from physical activity applies.:

Check if patient may return to full physical activity as of what date?: Not Checked

Enter date that the patient may return to full physical activity.:

Additional Follow-up caregivers:

Additional Notes:

Signature acknowledges that Patient and/or Guardian has received these instructions and understands them.



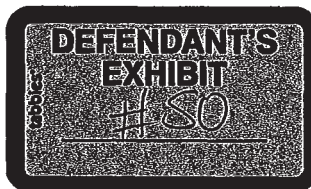
HP0002

Patient or Guardian Signature

Date/Time

Witnessed &amp; Instructed By

Date/Time



# **EXHIBIT 51**

Columbus Cardiology Associates, P.C.  
Patient Instructions for Cardiac Stress Testing

Dr. William Macheski  
Dr. Edward Matthews  
Dr. Alonzo Jones  
Dr. Mahesh Patel  
Dr. John Byers  
Dr. George Miller

2525 Williams Road  
Columbus, Georgia 31909  
(706)323-5552  
(800)552-2806  
Fax: (706)323-3066  
Ins. Fax: (706)324-5695

Patient: ALPHONSO GOMEZ

Date of Procedure: 02/24/10

Date of Birth: 05/21/62

Doctor: MILLER MD, GEORGE

Your physician has scheduled you for a stress test on 02/24/10. A nuclear cardiac stress test measures the function of your heart at rest and during stress. If you have any questions about the following instructions or if you are unable to keep this appointment please call the above phone numbers as soon as possible. The day before your test a staff member will contact you to review these instructions. Please let the staff member know if you have any allergies or if you are unable to walk on a treadmill.

- \*Please arrive at 8:00am unless otherwise instructed. You will be contacted the day before with specific instructions. The waiting area maybe cold, you may want to bring a light jacket.
- \*Wear comfortable walking or running shoes, a large short sleeve t-shirt, and jogging pants or other comfortable pants. Do not wear a dress.
- \*Do not consume any caffeine products for 24 hrs prior to the test, no coffee, tea, soda or chocolate.
- \*Do not eat or drink anything after midnight prior to the test.
- \*If you are diabetic please inform the staff. Do not take your diabetic medication the morning of the test unless otherwise instructed. Bring your medication with you, following the test you will be allowed to take your medications and eat a snack. Please bring your inhalers and or nebulizers with you the day of the test.
- \*If you have asthma or COPD please inform our staff.
- \*If you are pregnant or there is a chance you may be pregnant, please inform the staff.
- \*Please take all medications except diabetic medication with sips of water the day of the test.

A nuclear cardiac stress test measures the function of your heart at rest and during stress.  
The test will take approximately 4 to 6 hours.

Nuclear medicine will be administered through an IV line.  
A camera will take resting image pictures for approx 20 minutes.  
Next, you will walk on a treadmill.  
A second injection of nuclear medicine will be administered through an IV line.  
It can take approximately an hour for your heart rate to return to normal.  
Once your heart rate returns to normal, you will be allowed to eat and drink.  
A second set of pictures will be taken for approximately 25 minutes.

We understand that the wait time can be uncomfortable for you.  
Thank you for your patience and understanding as we maintain quality cardiovascular services to our patients and community.

Columbus Cardiology Associates Staff



GOM-00138